

**THE TOWN OF FOREST HEIGHTS
RESOLUTION 6-20**

**A RESOLUTION TO APPROVE A RIGHT OF ENTRY AGREEMENT WITH THE
STATE HIGHWAY ADMINISTRATION ("SHA") FOR SACHEM DRIVE TO
STABILIZE STEEP SLOPES OVERLOOKING THE ROADWAY**

Introduced by: Mayor Habeeb-Ullah Muhammad

WHEREAS, the Charter, Section 33-73 (Public ways, control) states that the Town of Forest Heights (the "Town") shall have control of all public ways in the Town except such as may be under the jurisdiction of the State Roads Commission of Maryland or Prince George's County and that subject to the laws of the State of Maryland and this Charter, the Town may do whatever it deems necessary to establish, operate, and maintain in good condition the public ways of the Town; and

WHEREAS, pursuant to Section 33-20(b)(11) (Cooperative activities) of the Town Charter, the Council is authorized to make agreements with other municipalities, counties, districts, bureaus, commissions, and governmental authorities for the joint performance of or for cooperation in the performance of any governmental functions; and

WHEREAS, pursuant to Section 33-20(b)(36) (Obstructions) of the Town Charter, the Council is authorized to remove all nuisances and obstructions from the streets, lanes and alleys and from any lots adjoining thereto, or any other places within the limits of the Town; and

WHEREAS, in 1961 the Town entered into an agreement with the State Roads Commission to assume an easement and responsibility for maintaining Sachem Drive even though the roadway is located within the State's (fee simple) Right of-Way; and

WHEREAS, the Town wishes to install certain improvements to protect identified vulnerable areas of steep slopes situated adjacent to 5813 Sachem Drive that are causing erosion and potential mudslides into the roadway; and

WHEREAS, the SHA District Engineer for Dist. 3 has agreed to grant the Town permission to enter State property and make the necessary improvements provided the Town assumes responsibility for those improvements as part its maintenance responsibilities for Sechem Drive; and

WHEREAS, the Mayor and Council finds that the present condition of the steep slopes along Sachem Drive near or abutting 5813 Sachem Drive poses a real if not an imminent threat to the health, safety and welfare of the travelling public; and

WHEREAS, the necessary improvements have been inspected and surveyed on site and recommended by a qualified expert and the staff has obtained an initial proposal to install certain stabilization design parameters and anticipates obtaining other proposals.

**THE TOWN OF FOREST HEIGHTS
RESOLUTION 6-20**

NOW THEREFORE BE IT RESOLVED that the Town Council does hereby approve a Right of Entry and Maintenance Agreement between the Town of Forest Heights and the State Highway Administration, which is attached hereto and incorporated by reference herein as Exhibit 1, and hereby authorizes the Mayor to execute said agreement.

AND BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its passage.

PASSED this 19 day of February 2020.

APPROVED: By Resolution of the Town Council of The Town of Forest Heights, Maryland.

ROLL CALL VOTE

YEA/NAY/ABSTAIN/ABSENT

MUHAMMAD

Yea

KENNEDY II

Yea

ATKINSON

Yea

BARNES

Yea

HINES

Yea

WASHINGTON

Abstent

NOBLE

Yea

ATTEST:

THE MAYOR AND COUNCIL OF THE
TOWN OF FOREST HEIGHTS, MARYLAND

SIGNATURE ON FILE

Sherletta Hawkins, Town Clerk

SIGNATURE ON FILE

By: _____
Habeeb-Ullah Muhammad, Mayor

SIGNATURE ON FILE

By: _____
Calvin Washington, Council President

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the 19 of February 2020 with 6 Aye votes and 0 Nay vote the aforesaid Resolution 6-20 passed.

SIGNATURE ON FILE

Sherletta Hawkins, Town Clerk

[Exhibit 1 - Right of Entry and Maintenance Agreement]